

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CHILD SEXUAL ABUSE;
5 REQUIRING A VICTIM OF CHILDHOOD SEXUAL ABUSE TO COMMENCE LITIGATION FOR DAMAGES
6 FOR INJURIES SUFFERED FROM THE ABUSE BEFORE THEY REACH 21 YEARS OF AGE; AND
7 AMENDING SECTION 27-2-216, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 27-2-216, MCA, is amended to read:

12 **"27-2-216. Tort actions -- childhood sexual abuse.** (1) Except as provided in subsection (4), an
13 action based on intentional conduct brought by a person for recovery of damages for injury suffered as a result
14 of childhood sexual abuse against the individual who committed the acts must be commenced:

15 (a) before the victim of the act of childhood sexual abuse that is alleged to have caused the injury
16 reaches ~~27~~ 21 years of age; or

17 (b) not later than 3 years after the plaintiff discovers or reasonably should have discovered that the
18 injury was caused by the act of childhood sexual abuse.

19 (2) As used in this section, "childhood sexual abuse" means any act committed against a plaintiff who
20 was less than 18 years of age at the time the act occurred and that would have been a violation of 45-5-502,
21 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-602, 45-5-603, 45-5-625, 45-5-627, 45-5-704, 45-5-705, or prior
22 similar laws in effect at the time the act occurred.

23 (3) Except as provided in subsection (5), in an action for recovery of damages for liability against any
24 entity that owed a duty of care to the plaintiff, where a wrongful or negligent act by an employee, officer,
25 director, official, volunteer, representative, or agent of the entity was a legal cause of the childhood sexual
26 abuse that resulted in the injury to the plaintiff, the action must be commenced:

27 (a) before the victim of the act of childhood sexual abuse that is alleged to have caused the injury
28 reaches ~~27~~ 21 years of age; or

1 (b) not later than 3 years after the plaintiff discovers or reasonably should have discovered that the
2 injury was caused by the act of childhood sexual abuse.

3 (4) A claim for damages described in subsection (1) that would otherwise be barred because the
4 applicable statute of limitations has expired may be commenced within 1 year of May 7, 2019, if the individual
5 who committed the act of childhood sexual abuse against the plaintiff is alive at the time the action proceeds or
6 is commenced and:

7 (a) has admitted to the commission of the act of childhood sexual abuse against the plaintiff in either
8 a written and signed statement or a statement recorded by audio or video; or

9 (b) (i) has made one or more statements admitting to the commission of the act of childhood sexual
10 abuse against the plaintiff under oath or in a plea agreement; or

11 (ii) has been convicted of an offense listed in subsection (2) in which the plaintiff was the victim.

12 (5) (a) A claim for damages described in subsection (3) that would otherwise be barred because the
13 applicable statute of limitations has expired must be revived if the court concludes that the entity against whom
14 the action is commenced, based upon documents or admissions by employees, officers, directors, officials,
15 volunteers, representatives, or agents of the entity, knew, had reason to know, or was otherwise on notice of
16 any unlawful sexual conduct by an employee, officer, director, official, volunteer, representative, or agent and
17 failed to take reasonable steps to prevent future acts of unlawful sexual conduct.

18 (b) A cause of action in which allegations described in subsection (5)(a) are made but that would
19 otherwise be barred by the statute of limitations in subsection (3) may be commenced within 1 year of May 7,
20 2019.

21 (6) As used in subsection (5), "admissions" include:

22 (a) a criminal conviction of an employee, officer, director, official, volunteer, representative, or agent
23 of the entity for an offense of childhood sexual abuse;

24 (b) a written statement;

25 (c) a documented or recorded oral statement; or

26 (d) statements made in:

27 (i) a plea agreement or change of plea hearing;

28 (ii) a trial; or

- 1 (iii) a settlement agreement.
- 2 (7) The provisions of 27-2-401 apply to this section."
- 3 - END -